

# **BOARD OF DESIGN REVIEW MINUTES**

**November 9, 2000**

**CALL TO ORDER:** Chairman David Williams called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

**ROLL CALL:** Present were Chairman David Williams; Board Members Hal Beighley, Anissa Crane, Monty Edberg, Walter Lemon III and Stewart Straus.

Development Services Director Irish Bunnell, Senior Planner Steven Sparks, AICP, Associate Planner Colin Cooper, Project Engineer Joel Howie, Planning Consultant John Spencer and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Williams read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **NEW BUSINESS:**

### **PUBLIC HEARINGS:**

Chairman Williams opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

#### **1. APP 2000-0013 -- WILLOW CREEK BRIDGE TYPE 2 DESIGN REVIEW APPEAL**

The following land use application, Willow Creek Bridge (BDR 2000-0116), was appealed. The appeal asserts that the decision is in error because it will not serve one of the intended purposes of reducing impact to the sensitive Willow Creek riparian corridor. Furthermore, the appeal asserts that the noise level associated with the bridge will increase the disturbance of wildlife in the Willow Creek

corridor and surrounding residents. The development proposal is located on Washington County Assessor's Map 1S1-31AD on Tax Lot 2100 and is zoned Urban Standard Density (R-7). Appeal of BDR 2000-0116, of the Planning Director's approval to install a pedestrian bridge across Willow Creek. The proposal is to construct a 24-foot bridge across Willow Creek connecting the south bank where an existing trail is located to the north bank and the Five Oaks Middle School play fields. The Facilities Review Committee found that the proposal meets all of the Design Review criteria required for approval. The Planning Director has approved the proposal submitted by the applicant.

Associate Planner Colin Cooper introduced Project Engineer Joel Howie, noting that Mr. Howie also represents the applicant, the City of Beaverton. He presented the Staff Report for the Type 2 Board of Design Review that has been appealed. He described the proposal for the installation of a pedestrian bridge across Willow Creek to connect the south bank where an existing trail is located to the north bank and the Five Oaks Middle School play fields.

Mr. Cooper presented a brief video showing the area and the existing trail where pedestrians currently cross the creek by utilizing stepping stones, adding that they also place portions of wood into the creek to walk upon.

Project Engineer Joel Howie described this community phase project initiated by the school, which became a science project when the erosion that was occurring became apparent. The City of Beaverton became involved in an effort to provide a path for the purpose of providing safety to pedestrians and protecting the environment. He clarified that the crossing itself will match up to the existing boardwalk at the fence line. He discussed the existing erosion, located mostly to the left of the proposed bridge, and plans for removal of an existing fence.

Mr. Cooper clarified that while he had indicated that the alignment would go through the gate, there is actually no existing gate. There is actually a gap in the fence, where a sanitary sewer manhole is located. He proposed the consideration of a condition that would require the realignment of the fence surrounding that manhole, directing pedestrians in the intended direction. He mentioned that he had requested that Officer Mark Hyde provide records of any nuisance complaints regarding the existing boardwalk, adding that he had been informed that there are currently no formal complaints on file. Concluding, he advised that staff is recommending denial of the appeal and approval of the bridge, and offered to respond to comments and questions at this time.

Mr. Lemon pointed out that this trail has been utilized since Five Oaks Middle School has been in existence.

**APPELLANTS:**

The appellants, **LYNN ALTOMARE** and his wife, **SUSAN STEWART** appeared to testify in opposition to the proposed Willow Creek Pedestrian Bridge and in support of the appeal.

Ms. Stewart described the history of the site, observing that over the past summer, the area has become a local skateboarding and scooter site. She pointed out that this activity often occurs throughout the night, emphasizing that the skateboarders cause noise and vibrations that resemble the effects of a low-flying airplane. She mentioned that the wooden structure has the tendency to intensify this effect, observing that this most likely has a detrimental effect upon the animals living in this wilderness area. She discussed activities that occur throughout the summer, when the creek is low, including firecrackers, partying, and noise and littering, expressing her opinion that this area has become a general nuisance throughout the neighborhood. She noted that their objection to the bridge is based upon: 1) noise; 2) litter; and 3) safety. She agreed that the bridge shortens the distance to the schoolyards, questioning at what cost. She emphasized that while crossing is no big deal when the creek is low, this same creek becomes a swift, wide river in the winter, often overflowing the banks. Concluding, she mentioned that the creek collects a great deal of debris in the wintertime, emphasizing that this is a dangerous location to encourage children to hang out.

Mr. Altomare expressed his opinion that the Staff Report is well prepared, observing that it includes a history of why the bridge is desired. He questioned why some 8<sup>th</sup> Grade Science classes are concerned with erosion, observing that they are creating this erosion. Agreeing that the bridge is a great idea, he expressed concern that it would not be used as intended. He pointed out that while there may be no actual police reports on file, there have been calls, although the police have indicated that nothing could be done about this situation. He expressed concern with increased foot traffic, as well as the inevitable skateboarding along a proposed asphalt path that would border his property. He emphasized that the proposed bridge and path is not necessary, expressing his opinion that it would not hurt these children to walk more. He pointed out that all issues have been addressed in this application, with the exception of the concerns of the neighbors that live there, and questioned the ability of Tualatin Hills Parks and Recreation District (THPRD) to maintain this site. Concluding, he emphasized that more asphalt would create additional problems with flooding, expressing his opinion that this money would be better utilized on another project.

Chairman Williams observed that when the boardwalk had been created, the scooters were not an issue. He mentioned that the boardwalk could possibly be modified to the extent that the wheels of the scooters would create less noise when they go over the bumps.

Mr. Altomare commented that the term "multi-use bike path" could be interpreted more than one way.

Chairman Williams observed that multi-use bike path could include both bicycles and walking, emphasizing that this obviously does not include motorcycles and pointing out that THPRD might be willing to make some modifications.

On question, Mr. Altomare advised Mr. Lemon that the hours of operation are not posted at the site.

**PUBLIC TESTIMONY:**

**ROGER BERGESON**, expressed his opposition to the proposed bridge and support of appeal of the application. He described the situation, from a law enforcement aspect, and discussed a recent shooting in the parking lot of Five Oaks Middle School during a drug transaction, expressing his opinion that there are other alternatives to resolve this issue.

Chairman Williams questioned whether anyone has actually discussed the situation with THPRD and the school and requested closure of the fence.

Mr. Bergeson advised Chairman Bergeson that he had no knowledge of anyone requesting closure of the fence, expressing his opinion that this would be a good idea.

Mr. Altomare expressed concern that the proposed fence is in the direct path of a large open manhole.

**JIM HOLLOWAY**, expressed support of the appeal and opposition to the proposed bridge, observing that the gate had originally been installed for access to the sewer. He emphasized that he is not as concerned with the bridge as with the proposed location of this bridge.

Mr. Cooper questioned the existence of a pedestrian easement to the west side of Mr. Holloway's property.

Mr. Holloway advised Mr. Cooper that no such easement exists, although there is an easement located a considerable distance to the west and to the north of his property.

Chairman Williams discussed the easement located to the west, up through NW Weybridge Way, adding that it is within the rights of the property owners to fence this off provided that the City of Beaverton has access.

Mr. Holloway observed that he is comfortable with the school conducting their occasional nature studies on this property, expressing his opinion that the bridge should be located further east, and discussed his concerns with flooding and noise.

On question, Mr. Holloway advised Ms. Crane that although his back yard is not fenced, all of the properties in the area could be, adding that the bridge would necessitate serious consideration of fencing or barrier.

**PAM VIADO**, expressed her support of the proposed bridge and opposition to the appeal. She expressed concern with the safety of children who utilize the current path, observing that they don't always stop using it when the water level becomes dangerous. She mentioned that she has not experienced any problems with noise or other undesirable activity, emphasizing that she enjoys both the park and the people who visit it and that she is very excited about proposed bridge. She expressed her opinion that she would like even better access to the park, noting that she would also like to divert children from that road during busy traffic times.

**PAT RUSSELL**, expressed his support of the proposed bridge and opposition to the appeal, and read a letter, dated November 9, 2000, noting that he had submitted copies to the Board. Observing that he would like to respond to other issues, he expressed his opinion that parents should take some responsibility for the actions and safety of their own children. He pointed out that he would rather see the proposed bridge than the dirt on an eroded bank.

**BOB WODELL**, expressed his opposition to the appeal and support of the proposed bridge, emphasizing that he would like to see this property utilized to the benefit of the community.

**DAN WOODS**, Assistant Principal at Five Oaks Middle School, expressed his support of the proposed bridge and opposition to the appeal. He observed that he is contesting the appeal and supporting the development of the proposed bridge, which he feels would serve the school community by offering a safe all-weather crossing of Willow Creek for both students and staff.

#### **APPLICANT'S REBUTTAL:**

Mr. Holloway referred to the location of the proposed bridge, observing that it is at the lowest point of Willow Creek. Noting that this is a particularly steep drop, he mentioned that the property levels out further to the east. He expressed his preference for locating the bridge further to the east, adding that the entire area flattens out even across the creek. He described the area as a skateboarder's heaven, particularly with the access to the bridge.

Ms. Stewart emphasized that because this is the lowest point, it makes more sense to build the bridge further up where it would be higher and could be utilized the entire year.

Mr. Holloway requested clarification of who the bridge is for and what the purpose is, specifically whether access is provided for the school and/or Stonegate and whether the Board has considered the residents of Weybridge Way.

Chairman Williams observed that the residents of Weybridge Way indicate that they don't want this access.

Mr. Holloway advised Chairman Williams that although he does not want access, some of the residents of Weybridge Way do.

Mr. Cooper observed that approximately 196 homes in the Stonegate subdivision without access, not including the neighborhoods to the east on Mission Oaks Drive.

Mr. Howie referred to Figure 5 of Shapiro's report and addressed comments regarding water surface elevations, pointing out that without access into area, no one can enter the site, adding that there are no safety concerns.

Mr. Lemon pointed out that every year the path becomes inaccessible at some point due to floodwaters in the creek.

Mr. Howie mentioned that the bridge deck would be above the two-year flood elevation, adding that the existing boardwalk would match up to that existing elevation.

Mr. Cooper pointed out that he had discussed with the Engineering staff the possibility of developing some sort of design to alleviate the issue with skateboarding, skates and scooters, adding that they had not yet arrived at a solution. He mentioned that the proposed additional 24 feet is not a substantial addition to the existing noise, suggesting the possibility of some design solutions or conditions to address any problems. Concluding, he emphasized that this application as been initiated by City of Beaverton on behalf of the community.

The public portion of the Public Hearing was closed.

Mr. Lemon explained the purpose of the volunteer-based Board of Design Review, referring to items A through H, which provides the criteria of what they are allowed to do and how to base their decisions. He observed that the Board's goal is to keep the City of Beaverton "user-friendly". He pointed out that any project has to meet all applicable criteria and expressed his opinion that putting a bridge in this high-water area would create a problem and change the natural vegetation and appearance of the site.

Mr. Edberg commented that he is still not convinced that this is not a safety issue as far as the floodwater elevations are concerned, emphasizing that the proposed location for the bridge itself is the low point.

Mr. Howie advised Mr. Edberg that the upper deck of proposed bridge would match the existing deck of the boardwalk and would be much greater than the two-year flood elevation.

Mr. Lemon pointed out that parents need to accept responsibility for the actions and safety of their own children, adding that he is in support of the appeal and would like a poll of the members of the Board.

Mr. Edberg suggested that a possible solution to this potential safety hazard might be to raise the bridge deck elevation to some extent, which would involve other modifications, as well.

Ms. Crane commented that she supports the appeal, referring to the area as an attractive nuisance that would have to be addressed.

Chairman Williams suggested that a reasonable solution would be to raise and relocate the bridge further to the east and possibly raise or modify a portion of the boardwalk. He expressed concern with the potential risk within a major park system and adjacent to a school and pointed out the necessity of assuming that most children would take unnecessary risks. He suggested the possibility of attempting to mitigate the situation in an effort to provide greater safety for children and assistance to the neighbors in this transition. He discussed the desirability of greater connectivity throughout the City of Beaverton. He expressed his support of the appeal, and suggested that the path be closed off with a fence until the issue can be satisfactorily addressed.

Mr. Lemon **MOVED** and Ms. Crane **SECONDED** a motion to approve APP 2000-0013 -- Willow Creek Bridge Appeal of BDR 2000-0116, based upon based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated November 9, 2000.

Motion **CARRIED**, unanimously.

2. **TA 2000-0007 WALL SIGN/ROOF SIGN TEXT AMENDMENT**

The proposed Development Code text amendment will, if approved, redefine wall signs and roof signs. The proposed amendment would also revise the method for calculating the amount of permitted wall signage and add locational limits on wall signage on an exterior wall. Wall signs are presently permitted and would continue to be permitted in all non-residential zoning districts. Roof signs are presently prohibited and would continue to be prohibited in all zoning districts.

Senior Planner Steven Sparks presented what he referred to as a very limited in scope text amendment to the Sign Code in the Development Code. He observed that over the past year there have been several Planning Director's Interpretations (PDIs) concerning roof signs and wall signs, specifically signs that extend above the roof. He clarified that this proposal is for the consideration of an amendment that is consistent with the direction staff has received on appeal of a PDI and to fix a very difficult portion of the code. He referred to a letter dated November 6, 2000 from Greg Specht, concerning this amendment application. He emphasized

the limited scope of this particular amendment and acknowledged that the sign code could use a great deal of work. He introduced Planning Consultant John Spencer, who has been retained to work on this amendment.

Planning Consultant John Spencer described what he referred to as a surgical set of amendments to the sign code addressing two specific problems that have become evident through development applications. He referred to a commercial building that is designed with a parapet wall, basically an extension of the façade, above the roof, noting that the current code does not allow the sign to be placed upon that parapet. He clarified that the parapet itself is defined to be part of a roof, adding that a roof sign is not permitted. He observed that the Sign Code assumes that every commercial building that would be built in the City of Beaverton would be only one story, and described the formula for determining the size of a sign for a building. He noted that no specific changes are proposed for that formula at this time, adding that staff has attempted to provide clarification through the addition of new terms, modifications of definitions and clarifications of requirements. He mentioned that the major item within this amendment is the definition of a new term referred to as exterior wall, or a common sense definition of a wall, emphasizing that the wall does not necessarily always extend from the floor to the roof. He pointed out that a new definition of a parapet has also been included.

Development Services Director Irish Bunnell explained that the City of Beaverton is presently undergoing extensive revisions to the Development Code, adding that although the sign regulations have not yet been addressed, there are approximately fifteen issues within the sign chapter staff would like to address. Observing that he considers tonight's issue to be the number one problem within the Sign Code, he provided pictures illustrating this problem, emphasizing that a major issue exists in simply making a universal determination of where the roof is.

Chairman Williams disclosed that although his architecture firm is currently working on a project for Specht Development, this would not affect any decision on this issue.

On question, Mr. Bunnell advised Chairman Williams that in the event of a yellow, six-story hotel adjacent to Highway 217, 100% of the hotel signs could be located below 25 feet, adding that 25% of the signage could be located above 25 feet.

On question, Mr. Bunnell advised Mr. Lemon that a sign could be located to within one foot of the top of the parapet, adding that the canopy would be treated as a part of the wall.

**PUBLIC TESTIMONY:**



**DARRYL PAULSON**, representing the *Oregon Electric Sign Association*, clarified that on a large four-story building, only the first 25 feet of the building could be used to establish the allowable square footage for a sign. He expressed appreciation to staff for their efforts to resolve this issue and provided several recommendations, as follows: 1) increasing the allowable percentage for signs above the 25-foot level to 75%, as opposed to 25%; 2) to provide a minimum of 32 square feet for multiple-use buildings, where a tenant would be allowed at least a minimum amount of signage; and 3) consider striking the one-foot issue for a sign not having to go clear to the top on a wall.

**PAT RUSSELL**, described his experience in over 20 years in urban planning, observing that he has been primarily involved in design review. Noting that he is generally in support of this ordinance, he pointed out that after hearing the discussion, he is concerned with the issue regarding parapet walls. He expressed his opinion that parapet wall signage should be part of the master sign program which is part of a master review, emphasizing that the signage must work with the architecture. He pointed out that the sign companies are never included in any of the planning stages of architectural review, which often leaves them very little flexibility. In consideration of Ballot Measure 7 which was recently approved by the voters of the State of Oregon, he expressed his opinion that actions taken by the City of Beaverton have a greater tendency to increase, rather than decrease, property values.

**JEFF KLEINMAN**, an attorney representing *International House of Pancakes*, expressed his support of staff's proposal of the revisions to the Sign Code, which would allow for attractive signs on attractively designed buildings. In response to Mr. Russell's comment regarding NW 23<sup>rd</sup> Street in Portland, he emphasized that NW 23<sup>rd</sup> Street is unlike any area in the City of Beaverton. He clarified that NW 23<sup>rd</sup> Street is a uniquely pedestrian-oriented environment, noting that the drivers in this area should not be viewing signs.

9:12 p.m. to 9:20 p.m. -- break.

**MATT GRADY**, representing *Gramor Development*, introduced Mr. Cain, observing that they have been tracking this issue for a long time. He expressed his opinion that Mr. Bunnell had provided a great visual presentation of this problem and expressed support of this small portion of sign code. He noted that this amendment would have a huge impact, adding that it both provides common sense and eliminates ambiguity.

**BARRY CAIN**, representing *Gramor Development*, emphasized that he is aware of no other jurisdiction within the Portland Metro area with this regulation in sign code. He observed that it is normal to have higher parapets to hide HVAC units, noting that when incorporated into the entire building, it appears to belong. He provided pictures of different signs on buildings throughout Beaverton to

illustrate his point. He emphasized that tenants will not locate on a site that does not allow them to install adequate signage.

Observing that the pictures are pretty self-evident and that it appears extremely awkward to locate the signs in the lower positions, Mr. Grady emphasized that the proposed amendments make a great deal of sense.

Chairman Williams questioned whether Mr. Grady could have had a master sign code ready when the application was submitted.

Mr. Grady advised Chairman Williams that a master sign code could have been ready at the time the application was submitted.

**MICHAEL CECCANTI**, mentioned that he is a business owner located within a multi-tenant unit, specifically *The Apple Way Corner*, and discussed the reality of how signs affect business owners. He noted that the previous location for his business, *Ernesto's Italian Restaurant*, had also been on the Beaverton/Hillsdale Highway, adding that it had been located in the *Raleigh Hills Fred Meyer* location prior to 1998. Although they did not have a monument sign at that location, they did have a double awning sign on a corner location, although it has since been changed. He expressed his opinion that this particular signage had been beneficial to his business, adding that it also fit in with both the style of the awning and the building. In 1998, they relocated to their present location, and did not have the opportunity to provide their own signage. As a member of a multi-tenant unit, they have two options available to them, neither of which provided the key exposure and visibility of their previous sign. He observed that the restaurant business is greatly dependent upon transit, or tourist, business, as well as new people relocating to the area, emphasizing that a visible sign is a necessary tool of advertisement. Noting that his competitor across the street has a free-standing building and therefore a free-standing sign, he pointed out that this competitor has a definite advantage.

**LINDA PEPLINSKI**, representing *Columbia Neon*, commented that she would like to address several issues regarding this text amendment. She expressed her opinion that until several years ago, the City Code was workable and adequately addressed the Sign Code issues, pointing out that since that time, there has been a definite shift. She discussed specific definitions within the code and made several suggestions for revisions, emphasizing that signage must provide adequate advertisement while visually pleasing. She discussed the term proportionate, which she described as a numerical qualification.

**MALCOLM McIVER**, referred to his company's experiences in dealing with the Sign Code and expressed support of the general strategy practiced by the City of Beaverton in their attempts to regulate signage in a way that enhances, rather than detracts from, the community. He expressed his opinion that interpretation of the code has been unduly restrictive and has interfered with the ability of their

tenants to advertise to their advantage. He expressed his opinion that while 20% is a reasonable amount of a building façade to be permitted for signage, in the case of multiple facades, the 20% becomes extremely difficult to work with. He urged the Board to reconsider the issue more thoroughly, emphasizing that they should consider the feasibility of master sign programs. Pointing out that tenancy changes, he expressed his opinion that a master sign program would allow individuals to take advantage of every allowable signage opportunity.

Mr. Spencer expressed his opinion that the City of Beaverton has the most generous method of calculating sign area of any other local jurisdiction. He expressed an interest in working with local sign companies to address their issues, observing that because roof signs are more restrictive than wall signs, it is necessary to provide very clear definitions of both roof and wall.

Mr. Bunnell clarified that while the Master Sign Program has been identified as a program that staff would like to work with, this was not the issue at this Public Hearing. Concluding, he reiterated Mr. Spencer's comment that the City of Beaverton has and will continue to have very generous area allowances for signage.

Chairman Williams pointed out that he had never realized that the Master Sign Program was an available option.

Mr. Bunnell advised Chairman Williams that only the Board of Design Review has the authority to request a Master Sign Program, emphasizing that this had most likely become effective before it had become necessary to make a decision within a 120-day period of time. He observed that a Master Sign Program would have to be required in the code and included within both the application submittal process and the Completeness Review process.

Chairman Williams expressed his support of implementing a Master Sign Program.

The public portion of the Public Hearing was closed.

Mr. Lemon **MOVED** and Mr. Edberg **SECONDED** a motion to approve TA 2000-0007 – Wall Sign/Roof Sign Text Amendment, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated November 2, 2000.

Motion **CARRIED**, unanimously.

#### **APPROVAL OF MINUTES:**

The minutes of October 12, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Lemon **MOVED** and Mr. Edberg **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Straus, who abstained from voting on this issue.

**MISCELLANEOUS BUSINESS:**

The meeting adjourned at 10:45 p.m.